

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

HATEM NAJI FARIZ

**MOTION FOR LEAVE TO FILE UNDER SEAL MOTION TO COMPEL
PRODUCTION OF SPECIFIC *BRADY/GIGLIO* MATERIALS**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, respectfully requests that this Honorable Court permit Mr. Fariz to file under seal his motion to compel the production of specific *Brady/Giglio* materials. As grounds in support, Mr. Fariz states:

1. On April 18, 2005, the government provided to the defense summarized statements containing material covered by *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny. Rather than providing to the defense the actual reports and records containing this information, the government substituted the documents with summaries that fail to detail information necessary to the defense.

2. Mr. Fariz has drafted a motion challenging the adequacy of these disclosures, requesting that the Court compel the production of the records and reports containing material covered by the *Brady/Giglio* doctrine.

3. In his motion, Mr. Fariz sets forth the government's summaries in the text and as attachments. These summaries relate to certain prospective government witness' agreements with the government, mental health issues, and other matters.

4. Recognizing that the government may object to this specific information being released to the public, Mr. Fariz hereby files this notice of his intention to file said motion. Should the government properly object to the public filing of the motion, Mr. Fariz requests permission to file the motion under seal.

WHEREFORE, Defendant, Hatem Naji Fariz, respectfully requests permission to file his motion to compel specific *Brady/Giglio* materials under seal.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 2005, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender